

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KERRY ASHDOWN,

Plaintiff,

Index No. 13 CV 1374
(HB)(GWG)

-against-

EQUINOX, *a/k/a*
EQUINOX FITNESS CLUB *and incorporated as*
EQUINOX HOLDINGS, INC.,
MAURO MAIETTA,
LAWRENCE SANDERS, and
MATT PLOTKIN *a/k/a* MATTHEW PLOTKIN,

Defendants.
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**DECLARATION OF PATRICK MCPARTLAND
IN FURTHER SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, **PATRICK MCPARTLAND**, declare as follows:

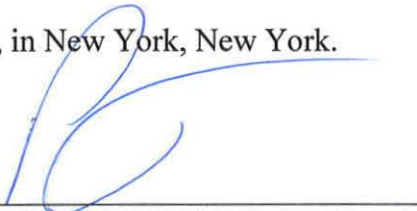
1. I am a partner at LaRocca Hornik Rosen Greenberg & Blaha LLP, attorneys for the defendants Equinox Holdings, Inc. d/b/a Equinox Fitness Club ("Equinox"), Mauro Maietta, Lawrence Sanders, and Matthew Plotkin, and I am personally familiar with the facts and circumstances set forth herein. I submit this declaration in further support of defendants' motion for summary judgment, pursuant to Rule 56 of the Federal Rules of the Civil Procedure to dismiss each and every claim for relief asserted against them by plaintiff Kerry Ashdown ("plaintiff").

2. Attached as **Exhibit A** is a true and complete copy of an email from plaintiff to Elizabeth Minton dated July 30, 2011 which was introduced and authenticated at plaintiff's Examination Before Trial as Exhibit H.

3. Attached as **Exhibit B** is a true and complete copy of an email from Mauro Maietta to Elizabeth Minton dated July 31, 2011 which was introduced and authenticated at plaintiff's Examination Before Trial as Exhibit J.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 15th day of November, 2013, in New York, New York.



Patrick McPartland